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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,188	03/17/2000	David M. Greschler	111283.131 US1	3633
23483	7590	08/23/2005	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP			JACOBS, LASHONDA T	
60 STATE STREET			ART UNIT	
BOSTON, MA 02109			PAPER NUMBER	
			2157	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/527,188

Applicant(s)

GRESCHLER ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 43-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>June 3, 2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

This Office Action is in response to Applicant's Amendment/Request for Reconsideration filed on June 3, 2005. Claims 1-38 and 43-48 are presented for further examination.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-38 and 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Pashupathy et al (hereinafter, "Pashupathy", 6,078,951).

As per claim 1, Pashupathy discloses a method for serving application programs over a computer network from an application server system to a target computer, the method comprising:

- the target computer signaling the application server system with a request for an application program (col. 6, lines 34-50 and lines 56-67);
- the application server system responding to the request by transferring an application descriptor to the target computer (col. 7, lines 1-4);

- the application descriptor being read by a helper application executing on the target computer, the helper application determining from the application descriptor a configuration required by the target computer to execute the requested application program (col. 6, lines 34-55 and col. 8, lines 23-28); and
- the helper application controlling the target computer to execute the application program, which resides on the application server system, using said configuration, whereby portions of the application program are retrieved and executed (col. 6, lines 34-55 and col. 8, lines 23-28).

As per claim **20**, Pashupathy discloses an application serving system operating across a computer network, the system comprising:

- a target computer that requests an application program (col. 6, lines 34-50 and lines 56-67);
- an application server system that responds to the request by transferring an application descriptor to the target computer (col. 7, lines 1-4); and
- a helper process executing on the target computer that reads the application descriptor to determine a configuration required by the target computer to execute the application program, the helper process and controlling the target computer to execute the application program using said configuration, wherein at least a portion of the application program resides on the application server system (col. 6, lines 34-55 and col. 8, lines 23-28).

As per claim **43**, Pashupathy discloses a method for providing a software application program from an application server system to a target computer over a network, the method comprising:

- sending an application request signal, indicative of the software application program, from the target computer to the application server system (col. 6, lines 34-50 and lines 56-67);
- receiving an application descriptor from the application server system, the application descriptor corresponding to the software application program (col. 6, lines 34-55);
- responsive to information in the application descriptor, executing the helper application on the target computer, the helper application using the information in the application descriptor and identifying a configuration of application program elements required by the target computer to execute the software application program (col. 6, lines 34-55 and col. 8, lines 23-28).
- receiving said software application program elements from the application server system over the network (col. 6, lines 56-67 and col. 7, lines 1-4); and
- executing the software application program on the target computer using the received executable software application program elements (col. 8, lines 23-28).

As per claims **2** and **21**, Pashupathy further discloses:

- the target computer signaling the server system with the request for the application by user selection of a link, which is displayed by a browser associated with the application program (col. 6, lines 34-50, lines 56-67 and col. 7, lines 1-4).

As per claims **3** and **22**, Pashupathy further discloses:

- the link containing an application identifier that identifies the requested application program to the application server system (col. 5, lines 14-30).

As per claims 4 and 23, Pashupathy further discloses:

- the link pointing to the browser to the application server system (col. 5, lines 14-30).

As per claims 5 and 24, Pashupathy discloses:

- wherein activating the link triggers the downloading of the application descriptor from the application server system to the target computer (col. 5, lines 14-30, col. 6, lines 17-32 and col. 7, lines 1-4).

As per claims 6 and 25, Pashupathy further discloses:

- the application server system encrypting the application descriptor prior to transmission to the target computer (col. 6, lines 11-22).

As per claims 7 and 26, Pashupathy further discloses:

- invoking the helper application in response to the receipt of the application descriptor on the target computer (col. 6, lines 17-32 and col. 7, lines 1-4).

As per claims 8 and 27, Pashupathy further discloses:

- maintaining the helper application on a graphical user interface of the target computer (col. 4, lines 50-63).

As per claims 10 and 29, Pashupathy further discloses:

- issuing a command to a browser to display a follow-up page in response to termination of the application program on the target computer (col. 6, lines 17-32 and col. 7, lines 1-4).

As per claims 11 and 30, Pashupathy further discloses:

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- the application descriptor, minimum system requirements information, which is used by the target computer to ensure that adequate system resources are available to run the application program (col. 6, lines 34-50).

As per claims **12** and **31**, Pashupathy discloses:

- wherein the application descriptor contains transaction mode information (col. 6, lines 34-50).

As per claims **13** and **32**, Pashupathy discloses:

- wherein the application descriptor contains application server information indicating a host computer to which the target computer is attach to receive the application program (col. 6, lines 34-50, lines 56-67 and col. 7, lines 1-4).

As per claims **15** and **34**, Pashupathy discloses:

- tracking by the server system a status of the operation of the application program on the target computer (col. 6, lines 62-67).

As per claims **16** and **35**, Pashupathy discloses:

- a failure server of the application server system receiving error log information from the helper in response to improper operation of the application program on the target computer (col. 6, lines 62-67).

As per claims **17** and **36**, Pashupathy discloses:

- the application descriptor containing application server information indicating a host computer of application server system to which the target computer is attached to receive the application program, the host computer being selected to load-balance across the application server system (col. 6, lines 34-50, lines 56-67 and col. 7, lines 1-4).

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As per claims **18** and **37**, Pashupathy discloses:

- the target computer mounting the server system to access the application program (col. 6, lines 34-50, lines 56-67 and col. 7, lines 1-4).

As per claims **19** and **38**, Pashupathy discloses:

- the target computer accessing the server system via port 80 (col. 2, lines 60-67 and col. 3, lines 3-9).

As per claim **44**, Pashupathy further discloses:

- selecting a link associated with the software application program (col. 6, lines 34-50, lines 56-67 and col. 7, lines 1-4).

As per claim **45**, Pashupathy further discloses:

- installing or updating the helper application on the target computer (col. 4, lines 50-58).

As per claim **46**, Pashupathy further discloses:

- decrypting the application descriptor if the application descriptor is received in encrypted form (col. 6, lines 17-22).

As per claim **47**, Pashupathy further discloses:

- checking a firewall proxy to allow streaming of the application program elements from the application server system to the target computer (col. 5, lines 14-22 and col. 6, lines 34-50).

As per claim **48**, Pashupathy discloses:

- wherein receiving the application program elements comprises receiving streaming data including the executable application program elements (col. 6, lines 34-50).



***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **9, 14, 28, and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashupathy in view of de Hond.

As per claims **9** and **28**, Pashupathy discloses the invention substantially as claims discussed above.

However, Pashupathy does not explicitly disclose:

- a helper application that is used to display advertisements to the target computer.

de Hond discloses a system comprising a helper application that is used to display advertisements to the target computer (col. 2, lines 45-67, col. 3, lines 1-4, lines 18-48, col. 5, lines 52-67, col. 6, lines 1-9, col. 8, lines 31-67, and col. 9, lines 1-6).

Given the teaching of de Hond, it would have been obvious to one of ordinary skill in the art to modify the combine system of Pashupathy by specifying that helper application within the client system can display advertisements allowing the user to view advertisements being displayed the browser.

As per claims **14** and **33**, Pashupathy discloses the invention substantially as claims discussed above.

However, Pashupathy does not explicitly disclose:

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- wherein the application descriptor contains advertisement information indicating a host computer to which the target computer is attach to receive advertisements.

de Hond discloses a system comprising:

- wherein the application descriptor contains advertisement information indicating a host computer to which the target computer is attach to receive advertisements (col. 2, lines 45-67, col. 3, lines 1-4, lines 18-48, col. 5, lines 52-67, col. 6, lines 1-9, col. 8, lines 31-67, and col. 9, lines 1-6).

Given the teaching of de Hond, it would have been obvious to one of ordinary skill in the art to modify the combine system of Pashupathy by including advertisements in the application descriptor allowing the user to view advertisements being displayed the browser.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims **1-38** and **43-48** have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,212,564 to Harter et al

U.S. Pat. No. 5,546,554 to Schmidt et al

U.S. Pat. No. 6,247,013 to Morimoto

U.S. Pat. No. 6,711,622 to Fuller et al

U.S. Pat. No. 6,272,673 to Dale et al

WO 99/27460 to Belov et al

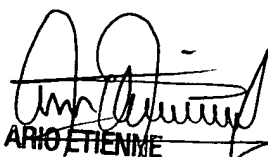
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs  
Examiner  
Art Unit 2157

ltj  
August 11, 2005

  
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